IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WP(C).No. 12254 of 2007(H)

PETITIONER:

J.BALAYYAN, S/O JAMES NADAR,
FARMER, AGED 61 YEARS, RESIDING AT
UPPANACHAMKALA VEEDU, KULAVUPARA, MANNOORKARA
VILLAGE, NEDUMANGAD TALUK.

BY ADV. SRI.ABRAHAM MATHEW (VETTOOR)
SMT.A.A.GEETHA
SMT.PRIYA BHASKER C.

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY THE
SECRETARY TO GOVERNMENT, CO-OPERATIVE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES, VANCHIYOOR, TRIVANDRUM.

3. THE SPECIAL SALE OFFICER,
TRIVANDRUM CO-OPERATIVE AGRICULTURAL LAND
DEVELOPMENT BANK LTD., SANGEETHA NAGAR,
THYCAUD, TRIVANDRUM.

4. TRIVANDRUM CO-OPERATIVE AGRICULTURAL
LAND DEVELOPMENT BANK LTD., SANGEETHA NAGAR,
THYCAUD REPRESENTED BY ITS SECRETARY.

5. THE MANAGER, TRIVANDRUM AGRICULTURAL
LAND DEVELOPMENT BANK LTD., VELLANADU BRANCH,
VELLANADU, NEDUMANGAD TALUK.

BY ADV. SRI.D.KISHORE
GOVT. PLEADER SRI.P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF THE DEMAND NOTICE ISSUED BY R3 TO THE PETITIONER.**
EXT.P2	**TRUE COPY OF THE RECEIPT NO.414 FOR RS. 9500/- ISSUED BY R4**
EXT.P3	**TRUE COPY OF THE RECEIPT NO.1107 FOR RS. 31000/- ISSUED BY R4.**
EXT.P4	**TRUE COPY OF THE WRITTEN STATEMENT IN O.S.NO.212/98 FILED BY R3**
EXT.P5	**TRUE COPY OF THE COMMUNICAITON ISSUED BY R5**

RESPONDENT'S EXHIBITS

EXT.R4(A)	**TRUE COPY OF THE JUDGMENT DTD. 12-11-99 IN O.S.212/98**
EXT.R4(B)	**TRUE COPY OF THE PROCEEDINGS NO.SF.111/95 DTD. 17-4-01**
EXT.R4(C)	**TRUE COPY OF THE ORDER NO.AEL-3642/01 DTD.22-4-2003**
EXT.R4(D)	**TRUE COPY OF THE CERTIFICATE OF SALE DTD. 24-7-03**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

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W.P.(C).No. 12254 OF 2007

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Dated this the 11th day of June, 2007

JUDGMENT

Petitioner challenges Ext.P5. By Ext.P5, the respondent bank has informed the petitioner that the sale of the mortgaged property was confirmed by the Joint Registrar and there is no question of consideration of the application of the petitioner.

2. Learned counsel for the Bank submits that if the petitioner remits Rs. 52,542/- in lump including the expense, if it is not included in the amount of Rs. 52,542/-, the respondent bank will re-convey the property.

3. Learned counsel for the petitioner submits that petitioner is ready and willing to pay the said amount.

Recording the submission of the learned counsel for the parties, the writ petition is disposed of directing the 4th respondent bank to re-convey the property of the petitioner

sold and purchased by the fourth respondent bank and covered by Ext.R4(d). upon the petitioner remitting a sum of Rs. 52,542/- and also meeting the expense for re-conveyance, if the amount of RS. 52,542/- does not include the expenses of re-conveyance. This direction will be complied only if the petitioner remits the amount within one month from today.

(K.M.JOSEPH, JUDGE)

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